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FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ SEP 27 2013 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

-----X
HEATHER BROWN

Plaintiff, :

CV-13-5397

-against- :

OMEGA MOULDING COMPANY Ltd.

Defendants. :
-----X

FEUERSTEIN, J
LINDSAY, M.

Plaintiff, HEATHER BROWN, by her attorney, Raymond Nardo, Esq.,
complaining of the above defendants, alleges as follows:

JURISDICTION AND VENUE

1. This action arises under the Family Medical Leave Act, 29 U.S.C. Section 2601, et. seq.

2. This Court has jurisdiction under 28 U.S.C. Sec. 1331.

3. Venue is proper in the Eastern District of New York according to 28 U.S.C. 1391 because all parties are located there, and the cause of action arose there.

THE PARTIES

4. The plaintiff is a female employed by the Omega Moulding Ltd. ("Omega")

5. At all relevant time herein, plaintiff resides in Shirley, New York.

6. Defendant Omega is an employer located at One Saw Grass Drive, Bellport, New York.

7. Defendant employs 50 or more employees and is an "employer" under the Family Medical Leave Act ("FMLA").

8. Defendant conducted business in the Eastern District of New York at the time of plaintiff's termination.

9. Plaintiff worked for Omega for more than one year before her termination.

10. Plaintiff worked for Omega for more than 1,250 hours per year in the year preceding her termination.

11. Defendants employ 50 or more employees and constitute an "employer" as defined under the FMLA.

COUNT I

12. Plaintiff repeats, realleges, and reincorporates, as though fully set forth herein, all factual allegations previously set forth.

13. On or about March 5, 2012, plaintiff began working for Omega in Order Entry.

14. Plaintiff was later assigned more duties when she was assigned to Customer Service duties.

15. At all times herein, plaintiff was qualified to perform the duties of her positions. She received bonuses in the forms of gift cards and "pickle bucks."

16. At all times herein, plaintiff performed her duties in a satisfactory fashion, or better.

17. On or about February 6, 2013, plaintiff's son, Malakai, was in stomach pain and contracted the flu and a strep infection. He was also constipated. As a result, plaintiff was absent from work, due her son's serious health conditions, on February 6, February 25, March 11, March 18, and March 26.

18. Plaintiff furnished a doctor's note to defendant.

19. On or about March 15, plaintiff's daughter, Serenity, contracted a serious health condition and suffered from a stomach flu.

20. As a result, plaintiff was absent from March 15, 2013 through March 22, 2013 to care for her daughter's serious health condition.

21. Plaintiff furnished a doctor's note to defendant about these absences.

22. On March 22, 2013, defendant terminated plaintiff.

23. Defendant never provided notice to plaintiff that her league was designated or covered by the FMLA.

24. Defendant never permitted plaintiff to take leave under the FMLA.

25. Defendant terminated plaintiff, though she was entitled to 12 weeks of leave under the FMLA.

26. Defendant willfully, unlawfully, and intentionally, denied plaintiff leave under the FMLA and terminated her, in violation of the FMLA.

27. Plaintiff seeks damages and remedies, set forth below, for Defendant's unlawful violations of the FMLA.

JURY DEMAND

28. The plaintiff demands trial by jury.

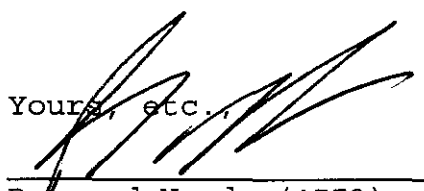
WHEREFORE, the plaintiff demands judgment against the defendant and prays:

(a) That this court award plaintiff backpay, lost earnings, lost life and health insurance, pre-judgment interest, liquidated damages, compensatory damages, punitive damages, and reasonable attorneys' fees and costs, pursuant to the FMLA;

(b) That this court award the plaintiff such other and further relief as may be just and equitable.

Dated: Mineola, New York
September 26, 2013

Yours, etc.,



Raymond Nardo (4773)
Attorney for
Plaintiff
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EASTERN DISTRICT OF NEW YORK

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 Plaintiff, :
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 -against- :
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 OMEGA MOULDING COMPANY Ltd. :
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 Defendants. :
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SUMMONS AND COMPLAINT

TO: